

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ANGELA HEIMGARTNER  
Plaintiff

v

G-III LEATHER FASHIONS, INC., and  
KENNETH COLE PRODUCTIONS, INC.

Defendants.

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No. 21 cv \_\_\_\_\_

The Honorable Judge

**NOTICE OF REMOVAL**

**NOW COMES** defendant, G-III LEATHER FASHIONS (G-III) by and through its attorneys, Maisel & Associates, and does hereby remove this case from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division , based on Diversity Jurisdiction under 28 U.S.C. §§ 1332, 1441(a) and 1446(b) and in support thereof states as follows:

1. On March 16, 2021 the plaintiff filed her Complaint at Law in the Circuit Court of Cook County against G-III and Kenneth Cole under general number 20121 L 002862. A copy of the Complaint is attached hereto as Ex. A.
2. On March 25, 2021 G-III filed its Appearance in the state-court lawsuit. A copy of the Appearance is attached hereto as Ex. B. The Appearance was filed voluntarily without service of summons on G-II. This Notice of Removal is timely.
3. Plaintiff's lawsuit is premised upon a theory of strict products liability arising from an alleged unreasonably dangerous condition of an elastic hood cord, which stretched, snapped back, and struck the plaintiff in the eye. Plaintiff claims that the design of the garment with the elastic hood cord was unreasonably dangerous due to the metal aglet at the end of the cord.

4. Plaintiff's Complaint alleges that both G-III and Kenneth Cole are foreign corporations.
5. The plaintiff's ad damnum is in excess of the Circuit Court's Law Division limits and the plaintiff's Illinois Supreme Court Rule 222(b) Affidavit attests the value of the case is in excess of \$50,000. Although there is no specific amount pleaded, it is apparent that the "severe and permanent" eye injury, with medical expenses and lost wages will have an amount in controversy of over \$75,000. By conversations with plaintiff's counsel, defense counsel is aware that one surgery has been performed on plaintiff's eye and that a second surgery is pending.
6. United States District Courts have diversity subject matter jurisdiction over all civil actions where the amount in controversy exceeds \$75,000 exclusive of interest and costs and is between citizens of different states. 28 U.S.C. §1332(a).
7. Neither defendant is a citizen of Illinois.
8. G-III is a citizen of New York. See Affidavit of Citizenship, attached.
9. Kenneth Cole is a citizen of New York. It is anticipated that Kenneth Cole will file its proof of citizenship once it appears in this matter.
10. Plaintiff alleges she is a citizen of Illinois. See plaintiff's Complaint, par. 3.
11. This action is removable to this Court pursuant to 28 U.S.C. §1446(a) because this District Court embraces the location where the state Court action is proceeding.
12. By Notice of this Removal, defendant G-III does not waive any defense, jurisdictional or otherwise, which it may possess. Defendant does not concede the plaintiff has valid claims against it and does not concede the value of the claim. Defendant does not concede this court has personal jurisdiction over it.
13. Defendant has filed a copy of the original Notice of Removal with the Clerk of the Circuit Court of Illinois, Law Division and provided notice to plaintiff as required by 28 U.S.C. §1446(d).

**WHEREFORE**, defendant, G-III LEATHER FASHIONS, INC. removes this cause to the United States District Court for the Northern District of Illinois, Eastern Division, for all further proceedings.

Respectfully Submitted,

By: /s/ Eric A. Krumdick  
Eric A. Krumdick, Attorney for  
G-III Lather Fashions, Inc.

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